

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CHARLES MULVIHILL,

Petitioner,

vs.

MULE CREEK STATE PRISON,

Respondent.

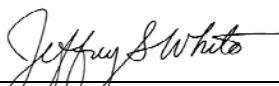
No. C 08-2689 JSW (PR)

ORDER OF DISMISSAL

On April 10, 2007, Petitioner filed this pro se petition for a writ of habeas corpus by filing a letter in this Court, asking for an “extension” of time for filing his petition. On the same day that the letter was filed, the Court sent a notification to Petitioner informing him that he had not submitted the filing fee or an application for leave to proceed in forma pauperis. The Court provided a copy of the correct in forma pauperis application, along with a return envelope, and a notification that the case would be dismissed if Petitioner failed to respond to the Court’s request within thirty days. In addition, the Court provided a copy of a blank habeas petition, informed Petitioner that no petition was attached to his pleadings and that if he did not submit one within thirty days, his action would be dismissed. Petitioner has not responded. Accordingly, this case is DISMISSED without prejudice for failure to pay the filing fee or submit an in forma pauperis application and for failure to submit a petition.

IT IS SO ORDERED.

DATED: October 3, 2008


JEFFREY S. WHITE
United States District Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CHARLES MULVIHILL,
Plaintiff,

Case Number: CV08-02689 JSW

CERTIFICATE OF SERVICE

v.


MULE CREEK STATE PRISON et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 3, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Charles Mulvihill
K55455
MCSP
P.O. Box 409060
Ione, CA 95640

Dated: October 3, 2008


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk